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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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12/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/932,213	Applicant(s) WEBB ET AL.	
	Examiner JIMMY H. NGUYEN	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-26 and 45-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-26 and 45-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 9/28/2009.

Claims 19-26 and 45-50 are currently pending in the application. An action follows below:

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/14/2009 is being considered by the examiner except the references, "D401577", "D473580 and "D477114", are crossed out because these were cited in IDS submitted on 2/15/2006.

Drawings

3. The drawings submitted on 9/28/2009 are **NOT** accepted by the Examiner because new figures 18-19 introduce new matter. Specifically, figures 18-19 seem to show elements (110) and (120) being the same one or both integrated, which was not disclosed in the original disclosure. Further, figures 18-19 does not explicitly teach how the right side (105) of element (110) can be moved away from the left side (105) of the element (110). Simply looking figures 18-19, a person of ordinary skill in the art recognizes that the element (110) is STRETCHED to the right side or DEFORMABLE. However, the original disclosure does not disclose the element (110) capable of stretching or deforming or being made by a stretchable or deformable material.

For the above reason, figures 18-19 are NOT accepted by the examiner and the drawing objection is maintained.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s):

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“wherein an overall width of the mobile device is (i) maximized when the second segment is in the extended position, and (ii) minimized when the second segment is in the contracted position, wherein the overall width of the mobile device is reduced when the second segment is moved towards the contracted position from the extended position so that when the second segment is in the contracted position the second segment is overlaid and external to the first segment” and “a set of one or more input mechanisms provided on the second segment so as to be exposed when the second segment is in the extended position and not when in the contracted position”, presently recited in last 12 lines of **claim 19**;

“wherein a portion of the display assembly that is overlaid by the first segment includes the immediate character recognition section” in last 2 lines of **claim 22**;

“wherein a portion of the display assembly that is overlaid by the first segment includes the second section” in last two lines of **claim 23**;

“wherein an overall width of the mobile device is (i) maximized when the second segment is in the extended position, and (ii) minimized when the second segment is in the contracted position, and wherein the overall width of the mobile device is reduced when the second segment is moved towards the contracted position as compared to when the second segment is in the extended position; so that when the second segment is in the contracted position the second segment is overlaid and external to the first segment” recited in lines 4-11 of **claim 45** and “wherein when the second segment is in the contracted position, the first segment and the second segment are at least partially overlaid, so that access to at least one of either the multi-directional mechanism or the display assembly is at least partially blocked”, presently recited in last 4 lines of **claim 45**; and

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“wherein the first segment overlays the second segment so that the display assembly covers at least a portion of one or more of the input mechanisms from the set of input” of claim 49.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The amendment filed 9/28/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not

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supported by the original disclosure is as follows: figures 18-19 are NOT accepted by the examiner. See the above drawing disapproval.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 48-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 48 recites the limitation “the set of input mechanisms” in line 2. There is insufficient antecedent basis for this limitation in the claim. Note that independent claim 45 recites in line 13 “a set of **one or more** input mechanisms”, which is not the same as “the set of input mechanisms” in line 2 of claim 48.

Claim 49 recites the limitation “the set of input mechanisms” in line 3. There is insufficient antecedent basis for this limitation in the claim. Note that independent claim 45 recites in line 13 “a set of **one or more** input mechanisms”, which is not the same as “the set of input mechanisms” in line 3 of claim 49.

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 19-26 and 45-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Note that the invention of independent claim 19 or claim 45 is directed to an embodiment of a handheld computer (i.e., the claimed mobile device) comprising a housing assembly that is adjustable to affect a width of the handheld computer. The original disclosure, when filed, merely discloses a SINGLE paragraph (see the specification, page 21, last paragraph) regarding to the embodiment capable of varying a width of the handheld computer:

“While embodiments described above provide for housing segments to reduce a length of handheld computer 100, other embodiments **MAY** provide for a similar configuration to be used for a width of handheld computer 100, where lateral sides 105, 105 can be moved closer to or further away from each other by first segment 110 and second segment 120.” (emphasis added)

The above mentioned disclosure does not explicitly disclose what embodiment(s) may provide or may not provide for a similar configuration to be used for a variation in a width of a handheld computer. In other words, the above mentioned disclosure does not explicitly disclose at least the features, (1) a display assembly disposed or provided on the first segment 110 or the second segment 120; (2) input mechanism(s) disposed or provided on the first segment 110 or the second assembly 120; (3) the first segment overlays the second segment, the second segment overlays the first segment, or the first and second segments do not overlay each other; and other features as further discussed below.

As to **claim 19**, this claim contains the limitation, “a display assembly accessible on a front surface of the first segment” presently recited in line 3 of claim 19, which was not described in the original disclosure at the time the application was filed. As discussed above, the original disclosure (see the specification at page 21, last paragraph), corresponding to the

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embodiment that the handheld computer (or the claimed mobile device) is capable of **varying its width**, does not explicitly teach a display assembly disposed or provided on the first segment 110.

Further, this claim contains the limitations, “a second segment slideably coupled to the first segment ... external to the first segment” presently recited in lines 4-12, which were not described in the original disclosure at the time the application was filed. As discussed above, the original disclosure (see the specification, page 21, last paragraph), corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of **varying its width**, does not explicitly teach the above underlined limitations.

Furthermore, claim 19 contains the limitation, “a set of one or more input mechanisms provided on the second segment so as to be exposed when the second segment is in the extended position and NOT when in the contracted position” presently recited in last 3 lines, which was not described in the original disclosure at the time the application was filed. As discussed above, the original disclosure (see the specification, page 21, last paragraph), corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of **varying its width**, does not explicitly teach a set of one or more input mechanisms disposed or provided on the second segment (120) or the above underlined limitation. Moreover, even the entire original disclosure does not explicitly disclose or teach “**a set of one or more input mechanisms provided on the second segment so as NOT to be exposed when the second segment is in the contracted position**” of the above underlined limitation. Specifically, Fig. 1 shows input mechanisms (132, 134) provided on the second segment (120) and **always exposed** when the second segment (120) is either in the extended position or in the contracted position.

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As to claims 20-26, since these claims depend upon claim 19, these claims are therefore rejected for the same reason set forth in claim 19 above.

Additionally to claim 21, this claim contains the limitation, “wherein all of the display assembly is accessible to receive contact as input when the second segment is in the extended position”, which was not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitation of this claim.

Additionally to claim 22, this claim contains the limitations, “wherein the display assembly includes an immediate character recognition section configured to immediately recognize and display a character entry, and wherein a portion of the display assembly that is overlaid by the first segment includes the immediate character recognition section”, which were not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned original disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitations of this claim.

Additionally to claim 23, this claim contains the limitations, “wherein the display assembly includes a first section having a cross-section comprising a digitizer pad and a screen, and a second section comprising the digitizer pad without the screen, and wherein a portion of the display assembly that is overlaid by the first segment includes the second section”, which

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were not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned original disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitations of this claim.

Additionally to claim 24, this claim contains the limitation, “a midframe coupled to the first segment and the second segment”, which was not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned original disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitation of this claim.

Additionally to claim 25, this claim contains the limitations, “wherein the midframe the extended position” in lines 1-5, which were not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned original disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitations of this claim.

Additionally to claim 26, this claim contains the limitations, “wherein the midframe ... the extended position” in lines 1-8, which were not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned original disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the

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handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitations of this claim.

As to **claim 45**, this claim contains the limitations, “a second segment moveably coupled to ... in the extended position; so that when the second segment is in the contracted position the second segment is overlaid and external to the first segment” presently recited in lines 3-11, which were not described in the original disclosure at the time the application was filed. As discussed above, the original disclosure (see the specification, page 21, last paragraph), corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitation.

Furthermore, this claim contains the limitation, “a display assembly provided by the first segment” presently recited in line 12, which was not described in the original disclosure at the time the application was filed. As discussed above, the original disclosure (see the specification, page 21, last paragraph), corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach a display assembly disposed or provided on the first segment 110.

Furthermore, this claim contains the limitations, “a set of one or more input mechanisms provided on the second segment, ... blocked” presently recited in last 12 lines, which were not described in the original disclosure at the time the application was filed. As discussed above, the original disclosure (see the specification, page 21, last paragraph), corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of **varying its width**, does not explicitly teach a set of one or more input mechanisms disposed or provided on

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the second segment (120) or the above underlined limitation. Moreover, even the entire original disclosure does not explicitly disclose or teach “**a set of one or more input mechanisms provided on the second segment so as NOT to be exposed when the second segment is in the contracted position**” of the above underlined limitation. Specifically, Fig. 1 shows input mechanisms (132, 134) provided on the second segment (120) and **always exposed** when the second segment (120) is either in the extended position or in the contracted position.

As to claims 46-50, since these claims depend upon claim 45, these claims are therefore rejected for the same reason set forth in claim 45 above.

Additionally to claim 47, this claim contains the limitation, “wherein the multi-directional mechanism includes a set of one or more buttons”, which was not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitation of this claim.

Additionally to claim 49, this claim contains the limitation, “wherein the first segment overlays the second segment so that the display assembly covers at least a portion of the one or more of the input mechanism”, which was not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned original disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitation of this claim.

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Additionally to claim 50, this claim contains the limitation, “wherein the second segment is configured to slide towards and away from the first segment”, which was not described in the original disclosure at the time the application was filed. As discussed above, the above mentioned original disclosure, specifically the specification, page 21, last paragraph, corresponding to the embodiment that the handheld computer (or the claimed mobile device) is capable of varying its width, does not explicitly teach the above underlined limitations of this claim.

10. Claims 22 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claims 22-23, these claims recite a limitation, “a display assembly accessible on a front surface of the first segment” (see line 3 of independent claim 19), i.e., **a display assembly being an element of the first segment (110)**. Claim 22 further recite a limitation, “wherein a portion of the display assembly that is overlaid by the first segment includes the immediate character recognition section” (see last 3 lines of claim 22), i.e., **a portion of the display assembly does not belong to the first segment (110)**. Claim 23 further recite a limitation, “wherein a portion of the display assembly that is overlaid by the first segment includes the second section” (see last 2 lines of claim 23), i.e., **a portion of the display assembly does not belong to the first segment**. In other words, the original disclosure was not described how the whole display assembly belongs to the first segment AND a portion of the display assembly does

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NOT belong to the first element, as presently claimed, so as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Response to Arguments

11. Applicant's arguments filed 09/28/2009 have been fully considered but they are not fully persuasive because as follows:

With respect to the drawing objection in the Office Action dated 4/27/2009, see the above drawing section.

With respect to the claim objection in the Office Action dated 4/27/2009, this objection is withdrawn in light of the amendment to claim 23.

With respect to the rejections under 35 USC 112, second paragraph, to claims 48-49 in the Office Action dated 4/27/2009, see the new rejection above.

Applicant's arguments, with respect to the rejections under 35 USC 112, first paragraph, to claims 19-26 and 45-50 in the Office Action dated 4/27/2009 (see pages 9-18 of the amendment), have been fully considered but they are not persuasive as follows:

Regarding to claim 19, Applicant indicates pages 6 and page 8 of the specification providing a support for groups of limitations, "Group 1", "Group 2" and "Group 3 (see pages 10-13 of the amendment). Examiner disagrees because the specification at pages 6 and 8 provides a support for a mobile device, which varies **the overall length** of the mobile device in according to the embodiment shown in Fig. 1. The specification at pages 6 and 8 does not explicitly disclose or teach the "claimed" mobile device, which varies **the overall width** of the mobile device. Furthermore, regarding to "Group 3", the specification at pages 6 and 8 or even the entire

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original disclosure does not explicitly disclose or teach “**a set of one or more input mechanisms provided on the second segment so as NOT to be exposed when the second segment is in the contracted position**” of the above underlined limitation. Specifically, Fig. 1 shows input mechanisms (132, 134) provided on the second segment (120) and **always exposed** when the second segment (120) is either in the extended position or in the contracted position.

Regarding to claim 21, the original disclosure does not explicitly disclose the feature of “Group 4” of claim 21 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as defined by the current claim 21.

Regarding to claim 22, the original disclosure does not explicitly disclose the feature of “Group 5” of claim 22 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as presently claimed. Further, the original claim 3 does not explicitly correspond to the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as defined by the current claim 22.

Regarding to claim 23, the original disclosure does not explicitly disclose the feature of “Group 6” of claim 23 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as presently claimed. Further, the original claim 23 does not explicitly correspond to the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as defined by the current claim 23.

Regarding to claim 24, the original disclosure does not explicitly disclose the feature of “Group 7” of claim 24 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as presently claimed. Further, the original claim 24 does not

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explicitly correspond to the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as defined by the current claim 24.

Regarding to claim 25, the original disclosure does not explicitly disclose the feature of “Group 8” of claim 25 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as presently claimed. Further, the original claim 25 does not explicitly correspond to the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as defined by the current claim 25.

Regarding to claim 26, the original disclosure does not explicitly disclose the feature of “Group 9” of claim 26 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as presently claimed. Further, the original claim 26 does not explicitly correspond to the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as defined by the current claim 26.

Regarding to claim 45, Applicant indicates pages 6 and page 8 providing a support for groups of limitations, “Group 10” and “Group 11” (see page 15 of the amendment). Examiner disagrees because the specification at pages 6 and 8 provides a support for a mobile device, which varies **the overall length** of the mobile device in according to the embodiment shown in Fig. 1. The specification at pages 6 and 8 does not explicitly disclose or teach the “claimed” mobile device, which varies **the overall width** of the mobile device.

Regarding to “Group 12” of claim 45, Applicant indicates pages 6 and 8-10 of the specification providing a support for groups of limitations, “Group 10” and “Group 11” (see page 15 of the amendment). Examiner disagrees because the specification at pages 6 and 8-10

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provides a support for a mobile device, which varies **the overall length** of the mobile device in according to the embodiment shown in Fig. 1. The specification at pages 6 and 8-10 does not explicitly disclose or teach the “claimed” mobile device, which varies **the overall width** of the mobile device. Furthermore, the specification at pages 6 and 8-10 or even the entire original disclosure does not explicitly disclose or teach “**a set of one or more input mechanisms provided on the second segment so as NOT to be exposed when the second segment is in the contracted position**” of the above underlined limitation. Specifically, Fig. 1 shows input mechanisms (132, 134) provided on the second segment (120) and **always exposed** when the second segment (120) is either in the extended position or in the contracted position.

Regarding to claim 47, the original disclosure does not explicitly disclose the feature of “Group 13” of claim 47 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as presently claimed. Further, the original claim 43 does not explicitly correspond to the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as defined by the current claim 47.

Regarding to claims 49-50, the original disclosure does not explicitly disclose the features of “Group 14” of claim 49 and “Group 15” of claim 50 in the embodiment, which allows the mobile device to vary **the overall width** of the mobile device, as presently claimed.

Regarding to the enablement rejections under 35 USC 112, first paragraph, to claims 22-23, Examiner provides a reasonable explanation as to why the original disclosure was not adequately enable how the whole display assembly belongs to the first segment AND a portion

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of the display assembly does **NOT** belong to the first element, as presently claimed, so as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention (see the rejection above).

Applicant's arguments, with respect to the rejections under 35 USC 102 and 103 in the Office Action dated 4/27/2009 (see page 19 of the amendment), have been fully considered and are persuasive in light of the amendment to claims 19 and 45. These rejections of the Office Action dated 4/27/2009 have been withdrawn.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 4:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jimmy H Nguyen/

Primary Examiner, Art Unit 2629